IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.6142/06
Rampal Vs. Girraj & Ors.

16.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Ashok Yadav for petitioner.

Heard learned counsel for the petitioner.

Shri Ashok Yadav, the learned counsel for the petitioner submitted that the application filed by the petitioner for seeking his signatures and thumb impression for expert examination has been rejected by the Court of Additional District Judge, Rajgarh, Alwar. It has been stated that the earlier report is not correct report and that the sale deed which has been shown to have been

executed in the name of the petitioner is also not correct. The sale deed does not bear the photograph of the petitioner which is the mandatory requirement of law. The respondents who are influential persons, are bent upon grabbing the land of the petitioner. It was argued that expert opinion should be obtained for second time, in the interest of justice,

Having heard the learned counsel for the parties and perused the impugned order, I find that the learned Additional District Judge rejected the application of the petitioner on the ground that earlier also, the report of the expert was obtained and such report has been received and exhibited in evidence as Exhibit-6. The application for summoning second report has been filed to delay the

proceedings of the courts. If the sale deed does not contain the photograph which according to the petitioner was requirement of law and that the sale deed itself is not genuine, these are all matters which shall be looked into by the trial court and cannot be appreciated by this Court in the present proceedings. All that has to be examined by this Court is whether the reasons given by the trial court in rejecting the application of the petitioner for obtaining a second report of the expert are relevant and valid.

On perusal of the order, I do not find that the rejection of the application by the petitioner suffers from any irregularity or illegality as may warrant interference by this Court. The learned trial court has rightly

observed that the report of the expert which has been obtained earlier is on record and just because the petitioners want such report to be obtained another time, their report cannot be accepted.

I therefore do not find any error in the impugned order. The writ petition is accordingly dismissed.

(Mohammad Rafiq),J.

Rs/-